

STATEMENT OF PURPOSE

RS23443

This bill is one of a group of bills to reclassify low level misdemeanors to infractions. The subject matter is various fireworks violations. The purpose behind the reclassification is to better align punishment with crimes committed and save costs related to public defense, while maintaining penalties adequate for deterrence and enforcement. This effort builds on HB 434 (2014) which updated infraction penalties to increase the viability of migrating low level misdemeanors to infraction penalties. The changes in this bill originated with recommendations from the Misdemeanor Reclassification Subcommittee of the Criminal Justice Commission, which were then reviewed and approved in concept by the Public Defense Reform Interim Committee. The bill sets a \$100 infraction fine for lesser firework offenses. For offenses involving moving vehicles or use of fireworks in severe fire areas the bill provides for an initial infraction of \$250, and a subsequent conviction within two years a misdemeanor with up to a \$1000 fine.

FISCAL NOTE

The fiscal impact to revenue derived from fines and fees statewide is estimated to be a net decrease of \$6,078.00 per fiscal year, based on the average number of relevant citations issued over the last three fiscal years. Any reduction in revenue is expected to be offset or exceeded by corresponding reduction in the associated cost of public defense, prosecution, and/or adjudication, although those savings cannot be calculated at this time. These potential savings would be realized primarily by the counties. By fund, the reduction in revenue derived from fines and fees each fiscal year is estimated to be as follows: a decrease of \$20.00 to the state General Fund; an increase of \$17.00 to the state Peace Officers Standards and Training Fund; a decrease of \$277.00 to county District Court Funds; a decrease of \$5,325.00 to the state Drug Court, Mental Health Court and Family Court Services Fund; a decrease of \$30.00 to county Justice Funds and/or Current Expense Funds; a decrease of \$270.00 to the state Crime Victims Compensation Fund; a decrease of \$22.00 to the state Peace Officer and Detention Officer Temporary Disability Fund; a decrease of \$42.00 to the state Court Technology Fund; and a decrease of \$109.00 to the state Victim Notification Fund. These are estimates but could vary slightly based upon several factors including conviction rates; fine imposition rates; waiver rates; collection rates; whether city or county magistrate facilities are used.

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